

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 3/27/02 *JS*

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF A DISCIPLINARY
ACTION AGAINST THE LICENSE OF

Stanley R. North, V.M.D.
License No. VI001669

TO PRACTICE VETERINARY MEDICINE
IN THE STATE OF NEW JERSEY

: Administrative Action
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: FINAL DECISION AND ORDER
: AFTER UPL EXPLANATION
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This matter was opened to the New Jersey Board of Veterinary Medical Examiners (hereinafter the "Board") on an investigation of a complaint filed by Marthe J. Konczal (hereinafter Ms. Konczal") concerning treatment that her dog, Midnight, had received. By letter dated July 31, 2001, the Board requested that respondent, as Director of the facility for Jersey Shore Veterinarian Emergency Service, Inc., provide medical records and a letter commenting on the complaint and treatment of the consumer's dog. No written response was received by the Board and the regular mail was not returned. On September 21, 2001, a subpoena was sent by certified mail to respondent requesting that the documents be furnished to the Board no later than October 11, 2001 or his appearance would be required on such date. No written response was received and respondent did not appear in person. The certified mail was returned as unclaimed. On October 17, 2001, a staff representative of the Board office contacted respondent's office telephone number and left a voicemail message requesting that the documents be furnished to the Board. On November 20, 2001, the staff representative contacted respondent's office telephone number and left another voicemail message reiterating the request. No written response was received by the Board office. The investigation revealed probable violations of N.J.S.A. 45:1-21(e) and N.J.A.C.

13:45C-1.3.

On January 24, 2002, a Uniform Penalty Letter (hereinafter "U.P.L.") was sent to respondent setting forth the initial findings of the Board and offering respondent the opportunity to settle this matter by acknowledging the violations and paying a civil penalty in the amount of \$2,500 reflecting the following:

1. A civil penalty of \$2,500 for the failure to cooperate with the Board in an investigation of a consumer complaint in violation of N.J.A.C. 13:45C-1.3 which is deemed to be professional misconduct pursuant to N.J.S.A. 45:1-21(e).

In addition, the letter directed respondent to take the following corrective action:

1. Take the following specific corrective action: Immediately provide the Board with the medical records and his comments on the consumer complaint and treatment of the consumer's dog at his facility.

Alternatively, respondent was given the option of either requesting a hearing before the Board or submitting a written explanation and waiving respondent's right to a hearing. Waiving the right to a hearing, respondent elected to submit a written explanation in which respondent maintained:

- a. As director of the facility, respondent acknowledged receipt of the Board's first letter dated July 31, 2001 and claims that this letter was forwarded to Dr. Wurst, the veterinarian (who did not work at respondent's facility) that was presented with the consumer's dog initially. Respondent also asserts that he forwarded the Board's letter to Dr. Buist, the veterinarian (who worked at respondent's facility) who treated the consumer's dog thereafter.

- b. According to respondent, in response to the Board's letter, the original copy of the invoice from his facility was sent to the Board office and that he heard nothing else from the Board.

- c. He states that the facility is closed all day and open all night, so that often the mail

for his facility (packages or certified mail) is delivered to the drug store next door. He claims that he checked with that entity to determine the whereabouts of the Board's letter but no one recalled receiving the certified mail. He denies he ever received the Board's subpoena.

d. With respect to the phone messages, respondent suggests that the facility's voicemail machine may have been full, the Board's calls were never recorded and he never received the telephone messages.

e. In response to the U.P.L., he attached a copy of an invoice from July 1, 2001 whereby the veterinarian at his facility recommended a cardiac work-up. He directed the Board's attention to the notation on the page which read "Original sent to board."

f. He apologized for the delay in the decision concerning the consumer complaint and provided his telephone number to contact him should the Board need to discuss this case further.

g. Respondent questions whether the \$2,500 penalty is warranted in this case because he claims he was unaware of any problem. He states that he will file an appeal should the Board impose a penalty.

At its meeting on February 27, 2002, the Board considered the Complaint and respondent's explanation. With respect to the charges for violations of N.J.A.C. 13:45C-1.3 and N.J.S.A. 45:1-21(e), the Board finds that respondent failed to provide the documents requested by the Board. Despite respondent's assertion that he submitted the original invoice to the Board (after receiving the Board's letter dated July 31, 2001) no record exists in the Board file to support that contention. Additionally, other than the invoice that respondent attached to his response to the U.P.L., the Board has still received no written commentary from respondent concerning the consumer complaint and the treatment of the consumer's dog at his facility. Furthermore, respondent's claim that his facility did not receive two (2) phone messages left by a representative of the Board (as

the message machine was full) is not credible since the Board's representative was able to leave messages on both occasions. Accordingly, the Board finds that respondent failed to conform to statutory and/or regulatory obligations as set forth in the U.P.L. and therefore, it concludes that violations of N.J.A.C. 13:45C-1.3 and N.J.S.A. 45:1-21(e) occurred.

Based on the foregoing:

IT IS on this 27th day of March, 2002,

ORDERED that:

1. Respondent is assessed a civil penalty in the total amount of \$2,500 for the violations as set forth in the U.P.L. and found as detailed above. Said payment shall be made by certified check or money order payable to the State Board of Veterinary Medical Examiners and shall be delivered within ten (10) days of service of this Order to Diane Romano, Executive Director at the Board of Veterinary Medical Examiners, P. O. Box 45020, Newark, New Jersey 07101. Failure to remit the payment required by this Order will result in the filing of a certificate of debt.
2. Respondent shall take the following corrective action: provide the Board with a written commentary regarding the consumer complaint and the treatment of the consumer's dog at his facility. Documentation demonstrating satisfaction of this obligation shall be provided to the Board within ten (10) days of service of this Order.
3. Respondent shall cease and desist from engaging in any of the conduct found herein to be unlawful.

NEW JERSEY STATE
BOARD OF VETERINARY MEDICAL EXAMINERS

By: John G. De Vries, D.V.M.
John G. De Vries, D.V.M.
President